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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,588	12/20/2001	Christina Chow	40655.3800	8373

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Thomas J. Finn
Snell & Wilmer L.L.P.
400 East Van Buren
One Arizona Center
Phoenix, AZ 85004-2202

EXAMINER	
KARMIS, STEFANOS	

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,588	CHOW ET AL.	
	Examiner	Art Unit	
	Stefano Karmis	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 06 July 2006.

Status of Claims

2. Claims 1, 11 and 12 are currently amended. Claims 3-5, 8-10 and 13 are previously presented. Claims 2, 6 and 7 are original. Claims 1-13 are currently pending.

Response to Arguments

3. Applicant's arguments filed 06 July 2006 have been fully considered but are moot in view of the new grounds of rejection stated below. Therefore claims 1-13 stand rejected and Applicant's request for allowance is respectfully denied.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 1, Applicant states that "in response to a favorable credit decision and said request, establishing a line of credit and establishing a brokerage account of said applicant..." and "transferring a monetary value from said line of credit to said brokerage account to activate said brokerage account." These limitations fail to comply with the enabling requirement because the subject matter is not described in the specification in such a way as to enable one skilled in the art to use the invention. Applicant's specification states that if "Applicant 1 is approved via the real-time process just described, one or more account databases are accessed by the Application Server to open, for example, a brokerage account with a pre-established trading limit (e.g. $15,000) and associate the account with the approved Applicant 1" (page 4, paragraph 0026). Therefore there is no enablement for establishing a line of credit nor using the established line of credit to fund the brokerage account and activate the brokerage account. Furthermore, it would appear that the monetary value is not "immediately available" since the account has restrictions on immediate trading, such as stock under $5 (page 5, paragraph 0030).

The Examiner also believes that the account opening process requires human intervention in the Applicant's invention. Since there is no description of funding by a line of credit, Examiner notes that "Applicant 1 may chose from "initial account funding options" such as check, wire transfer, account transfer, etch and may choose "money settlement options" such as American Express Cash, U.S. Government, etc" (page 5, paragraph 0031). Therefore it appears the funding requires human action because the Applicant needs to select the funding option. It is not clear what steps in the brokerage account opening the Applicant intends to have human intervention and which steps do not have human intervention. For these, reasons, claims 1-13

stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. For claim interpretation purposes, the limitations involving "line of credit" and "human intervention" carry no patentable weight.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (hereinafter Weiss) U.S. Patent 6,354,490 in view of Lent et al. (hereinafter Lent) U.S. Patent 6,405,181.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (hereinafter Weiss) U.S. Patent 6,354,490 in view of Lent et al. (hereinafter Lent) U.S. Patent 6,405,181 as discussed in the previous office action mailed 06 April 2006. In light of the claim interpretation mentioned above, Applicant's arguments regarding the rejection of the instant application over Weiss in view of Lent are not persuasive. Weiss teaches a brokerage account application method comprising: receiving data from an applicant (column 14, lines 1-11); forwarding said data to a credit bureau system for credit decisioning (column 14, lines 26-34); obtaining, a credit decision relating to said applicant from said credit bureau system (column 14, lines 35-50); in response to a favorable credit decision, opening a brokerage account for said applicant column 14, lines 51-63, column 15, lines 14-64); invoking a securities processing system to facilitate an activation of said account and use of said account (column 17, lines 36-54). Lent teaches establishing a line of credit using an Underwriter obtaining credit approval without human intervention (column 8, lines 56-67). Lent also teaches that transferred money is immediately available because account balances are transferred in a real-time (column 16, line 16-60). It would have been obvious at the time of the Applicant's invention to modify the teachings of Weiss to include the teachings of Lent because it provides for quicker access to financial accounts by validating the credit of a customer in real-time. Independent claims 11 and 12 contain similar limitations and therefore stand rejected for the same reason as claim 1. Claims 2-10 and 13 are rejected under 35 U.S.C. 103, as discussed in the previous office action mailed 19 October 2005.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. U.S. Patent 6,941,279 B1 Sullivan

b. U.S. Patent 6,968,317 B1 Wallace et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
11 September 2006

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600